

# State of South Dakota

## EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

625R0609

### HOUSE COMMERCE ENGROSSED NO. **HB 1151** - 2/3/2010

Introduced by: Representatives Krebs, Bolin, Boomgarden, Brunner, Deadrick, Elliott, Fargen, Hoffman, Juhnke, Kirkeby, Lucas, Lust, Rounds, Sorenson, and Thompson and Senators Miles, Bartling, Garnos, Gray, Knudson, Maher, Tieszen, and Vehle

1 FOR AN ACT ENTITLED, An Act to authorize funeral establishments to operate branch  
2 chapels.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-19-1 be amended to read as follows:

5 36-19-1. Terms used in this chapter mean:

6 (1) "Board," the Board of Funeral Service;

7 (1A) "Branch chapel," a separate facility with a visitation room or chapel where no  
8 embalming is permitted that is owned by, a subsidiary of, or otherwise financially  
9 connected to or controlled by a licensed funeral establishment;

10 (2) "Embalmer," any person engaged in or conducting, or holding the person out as  
11 engaged in or conducting, the business of disinfecting, preserving, or both, or  
12 attempting to disinfect or preserve, or both, or cremate, dead human bodies, in whole  
13 or in part by use of chemicals externally, internally or by other methods, as approved



1 by the department of health;

2 (3) "Funeral director," any person, partnership, limited liability company, corporation,  
3 association, or organization engaged in or conducting or holding that person out as  
4 engaged in or conducting, at a funeral establishment, the business of preparing, other  
5 than embalming, for burial or disposal, and supervising the burial or disposal of dead  
6 human bodies, or who shall, in connection with the person's name or business, use  
7 the ~~words~~ title, "funeral director," "undertaker," "mortician," or any other title  
8 implying that the person is engaged in the business herein described;

9 (4) "Funeral establishment," any place of business conducted at a specific street address  
10 or location devoted to the care and preparation for burial or transportation of dead  
11 human bodies;

12 (5) "Funeral service," those service provided or rendered by an embalmer or funeral  
13 director, or both, as set forth in subdivisions (2) or (3) of this section;

14 (6) "Trainee in funeral service," any person who is engaged in the training of funeral  
15 service. However, no person may serve or attempt to serve as such trainee until that  
16 person has filed a registration with the board of funeral service as set forth in this  
17 chapter.